

**NO. 12-11-00086-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

<i>IN THE INTEREST</i>	§	<i>APPEAL FROM THE THIRD</i>
<i>OF M.A.T.,</i>	§	<i>JUDICIAL DISTRICT COURT</i>
<i>A CHILD</i>	§	<i>ANDERSON COUNTY, TEXAS</i>

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***MEMORANDUM OPINION  
PER CURIAM***

Appellant filed a notice of appeal from the trial court's judgment terminating her parental rights to M.A.T., her minor child. Appellant's counsel has notified this court that Appellant died on April 8, 2011. No opinion has been delivered in this appeal.

Ordinarily, an appeal in a civil case is not abated because of the death of a party after rendition of judgment in the trial court. TEX. R. APP. P. 7(a)(1). But if no claim remains that involves the property rights of the parties, death of the appellant will render the appeal moot. *See, e.g., Meyer v. Tex. Dep't of Human Svcs.*, No. B14-90-00749-CV, 1991 WL 127368, at \*1 (Tex. App.—Houston [14th Dist.] July 11, 1991, writ denied) (not designated for publication) (TDHS appointed managing conservator and neither parent permitted to retain rights as possessory conservators; appellant's death during pendency of appeal rendered appeal moot because property rights of parents or children not significantly affected by decree); *Black v. Black*, 673 S.W.2d 269, 270 (Tex. App.—Texarkana 1984, no writ) (party's appeal from order appointing other parent managing conservator of child moot upon appellant's death because no property rights involved).

Here, the issues raised on appeal do not pertain to the property rights of Appellant or the minor child. Consequently, on October 6, 2011, this court notified Appellant's counsel that the appeal would be dismissed as moot unless, on or before Monday, October 17, 2011, the court was shown sufficient cause to proceed with the appeal. The October 17, 2011 deadline has

passed, and we have not received any response to the October 6, 2011 notice. Accordingly, this appeal is *dismissed as moot*.

Opinion delivered October 26, 2011.

*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(PUBLISH)